

★ JUL 23 2013 ★

**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
Antonino Bussa,

Plaintiff,

-against-

A Very Special Place, Inc.,

Defendant.

-----X  
**AMON, Chief United States District Judge.**

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
12-cv-871 (CBA) (LB)

Plaintiff Antonino Bussa filed this pro se employment discrimination action on February 17, 2012 and filed an amended complaint on March 21, 2012. (D.E. # 1, 4.) After plaintiff's failure to communicate with defendant regarding discovery, Magistrate Judge Lois Bloom issued an order scheduling a status conference and explicitly warned plaintiff that failure to appear would result in dismissal of the action. (D.E. # 18). When plaintiff failed to appear at the conference on January 10, 2013, Magistrate Judge Bloom issued the first of two Report and Recommendations (R&R) recommending that the Court dismiss this action pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure. On January 22, 2013, plaintiff filed an objection to the R&R but did not provide an explanation for his failure to appear.

Though noting that plaintiff's letter failed to demonstrate good cause for his failure to appear, Magistrate Judge Bloom withdrew her January 11 R&R by Order dated March 7, 2013. (D.E. # 23.) In that Order, she stated that "in an exercise of utmost caution, the Court shall afford plaintiff one last chance to comply with the Court's orders" and scheduled another conference. On April 5, 2013, the conference was adjourned at plaintiff's request to May 16, 2013. Plaintiff failed to appear at the May 16, 2013 conference.

On May 22, 2013, Magistrate Judge Bloom issued the instant R&R, again recommending dismissal pursuant to Rule 16(f) and 37(b)(2)(A)(v). Neither party has objected to the R&R, and the time for doing so has passed. Reviewing the R&R for clear error, the Court hereby adopts Magistrate Bloom's R&R as the opinion of the Court.

The Court observes that this is not the first pro se employment discrimination action initiated by plaintiff for which plaintiff has refused to communicate with defendant regarding discovery and failed to appear for a scheduled conference before the Court. See Bussa v. Northfield Bancorp Inc., 10-CV-796 (CBA) (LB) (D.E. # 9, 24). Plaintiff's repeated failure to appear at court-ordered conferences wastes the time and resources of both the Court and defendant. No lesser sanction than dismissal is appropriate. The Clerk of Court is directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: July 23, 2013  
Brooklyn, N.Y.

/S/ Chief Judge Carol B. Amon  
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Carol Bagley Amon/  
Chief United States District Judge